Proposed Rules

Federal Register
Vol. 63, No. 108
Friday, June 5, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 97–107–1]

Importation of Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Fruits and Vegetables regulations to list a number of fruits and vegetables from certain parts of the world as eligible, under specified conditions, for importation into the United States. All of the fruits and vegetables, as a condition of entry, would be inspected and subject to disinfection at the port of first arrival as may be required by a U.S. Department of Agriculture inspector. In addition, some of the fruits and vegetables would be required to meet other special conditions. This action would provide the United States with additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction of injurious plant pests by imported fruits and vegetables.

We are also proposing to declare certain areas in Mexico as fruit fly-free areas. Those areas would include three municipalities in the State of Baja California Sur, six municipalities in the State of Chihuahua, and six municipalities in the State of Sonora. This action would relieve restrictions while continuing to prevent the introduction of plant pests into the United States.

DATES: Consideration will be given only to comments received on or before August 4, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–107–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 97–107–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Campbell, Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236; (301) 734–6799; or E-mail: rcampbell@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.56 through 319.56–8 (referred to below as ''the regulations'') prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of fruit flies and other injurious plant pests that are new to or not widely distributed within and throughout the United States.

We are proposing to amend the regulations to list a number of fruits and vegetables from certain parts of the world as eligible, under specified conditions, for importation into the United States. We are proposing this action at the request of various importers and foreign ministries of agriculture, and after conducting pest risk analyses [1] that indicate the fruits or vegetables can be imported under certain conditions without significant pest risk.

All of the fruits and vegetables included in this document would have to be imported under permit and subject to the requirements in § 319.56–6 of the regulations. Section 319.56–6 provides, among other things, that all imported fruits and vegetables, as a condition of entry, shall be inspected, and shall be subject to such disinfection at the port of first arrival as may be required by a U.S. Department of Agriculture (USDA) inspector, to detect and eliminate plant pests. Section 319.56–6 also provides that any shipment of fruits and vegetables may be refused entry if the shipment is so infested with fruit flies or other injurious plant pests that an inspector determines that it cannot be cleaned or treated.

Some of the fruits and vegetables proposed for importation would be required to meet other special conditions. The proposed conditions of entry, which are discussed in greater detail below, appear adequate to prevent the introduction and dissemination of fruit flies and other injurious plant pests by the importation of these fruits and vegetables.

Subject to Inspection and Treatment Upon Arrival

We are proposing to amend the list in § 319.56–2t to recognize the following fruits and vegetables as eligible for importation into the United States from the country or locality indicated in accordance with § 319.56–6 and all other applicable requirements of the regulations:

Country/locality	Common name	Botanical name	Plant part(s)
Ecuador	Cole and mustard crops, including cabbages, broccoli, cauliflower, turnips, mustards, and related varieties.	*Brassica* spp	Whole plant of edible varieties only.
El Salvador	Cole and mustard crops, including cabbages, broccoli, cauliflower, turnips, mustards, and related varieties.	*Brassica* spp	Whole plant of edible varieties only.

[1] Information on these pest risk analyses and any other pest risk analysis referred to in this document may be obtained by writing to the person listed under **FOR FURTHER INFORMATION CONTACT** or by calling the Plant Protection and Quarantine (PPQ) fax vault at 301–734–3560.

Country/locality	Common name	Botanical name	Plant part(s)
Guatemala	Rhubarb	*Rheum rhabarbarum*	Above ground parts.
Israel	Parsley	*Petroselinum crispum*	Above ground parts.
Mexico	Salicornia	*Salicornia* spp	Above ground parts.
Nicaragua	Cole and mustard crops, including cabbages, broccoli, cauliflower, turnips, mustards, and related varieties.	*Brassica* spp	Whole plant of edible varieties only.
	Mint	*Mentha* spp	Above ground parts.
	Parsley	*Petroselinum crispum*	Above ground parts.
	Rosemary	*Rosmarinus officinalla*	Above ground parts.
Peru	Cole and mustard crops, including cabbages, broccoli, cauliflower, turnips, mustards, and related varieties.	*Brassica* spp	Whole plant of edible varieties only.
	Swiss chard	*Beta vulgaris*	Leaf and stem.
Panama	Belgian endive, chicory, and endive.	*Cichorium* spp	Above ground parts.
South Africa	Pineapple	*Ananas* spp	Fruit.

Pest risk analyses conducted by the Animal and Plant Health Inspection Service (APHIS) have shown that the fruits and vegetables listed above are not attacked by fruit flies or other injurious plant pests, either because they are not hosts to the pests or because the pests are not present in the country or locality of origin. In addition, we have determined that any other injurious plant pests that might be carried by any of the listed fruits or vegetables would be readily detectable by a USDA inspector. Therefore, the provisions at § 319.56–6 concerning inspection and disinfection at the port of first arrival appear adequate to prevent the introduction into the United States of fruit flies or other injurious plant pests by the importation of these fruits and vegetables.

Subject to Inspection and Treatment Upon Arrival; Additional Conditions

We propose to allow the following fruits and vegetables to be imported into the United States from the countries indicated subject to the prescribed conditions and in accordance with § 319.56–6 and all other applicable requirements of the regulations:

Watermelon From Brazil and Cantaloupe, Honeydew Melon, and Watermelon From Venezuela

We are proposing to allow watermelon from Brazil and cantaloupe, honeydew melon, and watermelon from Venezuela to be imported into the United States under the same conditions currently in place for the importation of cantaloupe and honeydew melon from Brazil (see § 319.56–2aa). Cantaloupe and honeydew melon from Brazil have been imported into the United States under the growing, packing, and labeling conditions described below since 1995 and 1993, respectively, and we believe these conditions are also adequate to ensure the safe importation of watermelon from Brazil and cantaloupe, honeydew melon, and watermelon from Venezuela.

Because cantaloupe, honeydew melon, and watermelon can be hosts of the South American cucurbit fly (*Anastrepha grandis*), we would require that the melons and cantaloupe intended for importation into the United States from Brazil and Venezuela be subject to certain special conditions, which are described below. The proposed special conditions for the importation of these fruits from Brazil and Venezuela are as follows:

1. The cantaloupe, honeydew melon, and watermelon must have been grown in the area of Brazil or the area of Venezuela considered by APHIS to be free of the South American cucurbit fly. The area for Brazil would remain the same as it is described in § 319.56–2aa of the regulations for the importation of cantaloupe and honeydew melon from Brazil: That portion of Brazil bounded on the north by the Atlantic Ocean; on the east by the River Assu (Acu) from the Atlantic Ocean to the city of Assu; on the south by Highway BR 304 from the city of Assu (Acu) to Mossoro, and by Farm Road RN–015 from Mossoro to the Ceara State line; and on the west by the Ceara State line to the Atlantic Ocean. The area for Venezuela would be the Paraguana Peninsula, located in the State of Falcon, bounded on the north and east by the Caribbean Ocean, on the south by the Gulf of Coro and an imaginary line dividing the autonomous districts of Falcon and Miranda, and on the west by the Gulf of Venezuela.

This condition would help ensure that the melons and cantaloupe were grown in an area of Brazil or Venezuela that is free of South American cucurbit fly and would, therefore, provide protection against the introduction of that pest into the United States. The areas described were determined to be free of the South American cucurbit fly in accordance with § 319.56–2(e)(4) and (f). Paragraph (e)(4) of § 319.56–2 allows the importation of a fruit or vegetable without treatment for certain injurious insects that attack it if the fruit or vegetable is imported from a definite area or district of the country of origin that is free from those injurious insects, and provided that all other injurious insects that attack the fruit or vegetable in the area or district of the country of origin have been eliminated from the fruit or vegetable by treatment or any other procedures that may be prescribed by the Administrator. The South American cucurbit fly is the only insect pest known to attack watermelon in Brazil and cantaloupe, honeydew melon, and watermelon in Venezuela that is not readily detectable by inspection. Paragraph (f) of § 319.56–2 contains the criteria by which the Administrator may designate definite areas or districts as free from injurious insects.

2. All shipments of cantaloupe, honeydew melon, and watermelon must be accompanied by a phytosanitary certificate issued either by the Departmento de Defesa e Inspeção Vegetal (Brazilian Department of Plant Health and Inspection) or the Servicio Autonomo de Sanidad Agropecuaria (the plant protection service of Venezuela) that states that the melons or cantaloupe were grown in an area recognized to be free of the South American cucurbit fly.

This condition would help ensure that only melons and cantaloupe grown in areas free of the South American

cucurbit fly are imported into the United States.

3. Cartons of cantaloupe, honeydew melon, and watermelon must be packed for shipment in an enclosed shipping container or vehicle, or must be covered by a pest-proof screen or plastic tarpaulin in a manner to prevent the entry of pests, while in transit to the United States.

This condition would help ensure that harvested melons and cantaloupe would not be at risk for infestation by plant pests while en route to the United States.

4. In accordance with § 319.56–2(g) of the regulations, each carton of cantaloupe, honeydew melon, and watermelon must be clearly labeled with the name of the orchard or grove of origin, or the name of the grower; the name of the municipality and State in which the fruit was produced; and the type and amount of fruit in the carton.

This information would allow an inspector to readily identify shipments of melons and cantaloupe from Brazil and Venezuela and to easily trace those shipments back to their orchard or grove of origin.

Because the conditions described above have proven effective in preventing the introduction into the United States of South American cucurbit fly and other plant pests in shipments of cantaloupe and honeydew melon from Brazil, we believe that they, as well as all other applicable requirements in § 319.56–6, would also be adequate to allow the importation of watermelon from Brazil and cantaloupe, honeydew melon, and watermelon from Venezuela.

Peppers From Spain

We are proposing to allow peppers (*Capsicum* spp.) from Spain to be imported into the United States under certain conditions. Because peppers can be hosts of several serious plant pests, including the Mediterranean fruit fly (*Ceratitis capitata*) (Medfly), we would require that the peppers be grown in registered greenhouses in the Almeria Province; that the peppers be packed and shipped in accordance with certain phytosanitary conditions; and that certain fruit fly trapping requirements are met. These conditions are explained below.

1. The peppers must be grown in the Almeria Province of Spain in pest-proof greenhouses registered with, and inspected by, the Spanish Ministry of Agriculture, Fisheries, and Food (MAFF).

This condition would provide protection against the introduction of plant pests into the United States by ensuring that peppers intended for importation from Spain would be grown only in pest-proof greenhouses registered with and inspected by MAFF in Almeria Province. Trapping records demonstrate that fruit fly population levels in Almeria Province are low, the area is situated in a region where environmental conditions are not favorable for reproducing fruit fly populations, and Almeria Province is prepared to manage pepper production and packing through the use of registered pest-proof greenhouses, as well as the other elements of the systems approach described below.

2. The peppers may be shipped only from December 1 through April 30, inclusive.

This condition would help ensure that peppers from Almeria Province are shipped to the United States during those months that the Medfly population in Almeria Province is at its lowest density. Therefore, this condition would help reduce the risk of Medfly introduction into the United States.

3. Beginning on October 1, and continuing through April 30, MAFF must set and maintain Medfly traps baited with trimedlure inside the greenhouses at a rate of four traps per hectare. In all outside areas, including urban and residential areas, within 8 kilometers of the greenhouses, MAFF must set and maintain Medfly traps baited with trimedlure at a rate of four traps per square kilometer. All traps must be checked every 7 days.

This condition would ensure the earliest possible detection of the presence of fruit flies in and around greenhouses where peppers are grown.

4. Capture of a single Medfly in a registered greenhouse will immediately halt exports from that greenhouse until APHIS determines that the source of infestation has been identified, that all Medflies have been eradicated, and that measures have been taken to preclude any future infestation. Capture of a single Medfly within 2 kilometers of a registered greenhouse will require increasing trap density in order to determine whether there is a reproducing population in the area. Capture of two Medflies within 2 kilometers of a registered greenhouse during a 1-month period will halt exports from all registered greenhouses within 2 kilometers of the capture, until the source of infestation is determined and all Medflies are eradicated.

This condition would ensure that appropriate measures, including halting imports of peppers, are taken to prevent the introduction of fruit flies into the United States with peppers from Spain.

5. The peppers must be safeguarded against fruit fly infestation from harvest to export. Such safeguarding includes covering newly harvested peppers with fruit fly-proof mesh screen or plastic tarpaulin in a manner to prevent the entry of pests, while in transit from the greenhouse to the packing house and while awaiting packing, and packing the peppers in fruit fly-proof cartons, or cartons covered with fruit-fly proof mesh screen or plastic tarpaulin, and placing those cartons in enclosed shipping containers for transit to the airport and subsequent shipment to the United States.

This condition would help ensure that harvested peppers would not be at risk for infestation by fruit flies or other plant pests while en route to the packing house, during packing, or during shipment to the United States.

6. The peppers must be packed within 24 hours of harvest.

Because fruit fly host crops become better host material as they ripen, and because such crops ripen more quickly after they are harvested, this condition would further reduce the likelihood that Medfly would attack the fruit before it is packed.

7. During shipment, the peppers may not transit any other fruit fly-supporting areas unless shipping containers are sealed by MAFF with an official seal whose number is noted on the phytosanitary certificate.

This condition would provide additional protection against exposure of the peppers to fruit flies while the peppers are en route to the United States.

8. A phytosanitary certificate issued by MAFF and bearing the following declaration, ''These peppers were grown in registered greenhouses in Almeria Province in Spain,'' must accompany the shipment.

This condition would help ensure that peppers from Spain imported into the United States were grown only in approved locations.

We believe that the proposed conditions described above, as well as all other applicable requirements in § 319.56–6, would be adequate to prevent the introduction of Medfly and other plant pests into the United States with peppers imported from Spain.

Fruit Fly-Free Areas in Mexico

The regulations at § 319.56–2(h) list the municipalities in the State of Sonora, Mexico, that are recognized, in accordance with the criteria for definite areas in § 319.56–2(e)(4) and (f), as areas free of the following fruit flies: Medfly, Mexican fruit fly (*Anastrepha ludens*), dark fruit fly (*Anastrepha serpentina*),

West Indian fruit fly (*Anastrepha obliqua*), and South American fruit fly (*Anastrepha fraterculus*). The listed municipalities are: Altar, Atil, Caborca, Carbo, Empalme, Guaymas, Hermosillo, Pitiquito, Puerto Penasco, San Luis Rio Colorado, and San Miguel. Apples, apricots, grapefruit, oranges, peaches, persimmons, pomegranates, and tangerines may be imported from these municipalities without treatment for the fruit flies listed above.

Recently, Mexico provided APHIS with the trapping data that demonstrates that additional municipalities meet the criteria of § 319.56(e) and (f) for a definite area with respect to these same fruit flies. Therefore, we are proposing to add the following three municipalities in the State of Baja California Sur, six municipalities in the State of Chihuahua, and six municipalities in the State of Sonora to the list of municipalities in § 319.56–2(h): Comondú, Loreto, and Mulegé in the State of Baja California Sur; Bachiniva, Casas Grandes, Cuahutemoc, Guerrero, Namiquipa, and Nuevo Casas Grandes in the State of Chihuahua; and Bacum, Benito Juarez, Cajeme, Etchojoa, Huatabampo, and Navajoa in the State of Sonora.

Miscellaneous

We are proposing to make a minor editorial change to § 319.56–2(h) to correct an out-of-date reference to the municipality of Guaymas. Guaymas has been divided into two sections: the northern section now named Guaymas, and the southern section now named San Rio Muerto. Therefore, we are adding San Rio Muerto to the list in § 319.56–2(h) to reflect the division.

We are also proposing to make several other nonsubstantive editorial changes for clarity and consistency.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this proposed rule on small entities. Based on the information we have, there is no basis to conclude that adoption of this proposed rule would result in any significant economic impact on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

Under the Federal Plant Pest Act (7 U.S.C. 150aa–150jj) and the Plant Quarantine Act (7 U.S.C. 151–165, and 167), the Secretary of Agriculture is authorized to regulate the importation of fruits and vegetables to prevent the introduction of injurious plant pests.

We are proposing to amend the Fruits and Vegetables regulations to list a number of fruits and vegetables from certain parts of the world as eligible, under specified conditions, for importation into the United States. All of the fruits and vegetables, as a condition of entry, would be inspected and subject to such disinfection at the port of first arrival as may be required by a U.S. Department of Agriculture inspector. In addition, some of the fruits and vegetables would be required to meet other special conditions. This action would provide the United States with additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction and dissemination of injurious plant pests by imported fruits and vegetables.

Our proposal is based on pest risk assessments that were conducted by APHIS at the request of various importers and foreign ministries of agriculture. The pest risk assessments indicate that the fruits or vegetables listed in this proposed rule could, under certain conditions, be imported into the United States without significant pest risk.

We are also proposing to declare certain areas in Mexico as fruit fly-free areas. Those areas would include three municipalities in the State of Baja California Sur, six municipalities in the State of Chihuahua, and six municipalities in the State of Sonora.

Availability of Data

For many of the commodities proposed for importation into the United States in this document, data on the levels of production and the anticipated import volume is unavailable for a number of reasons. First, many of these commodities are not produced in significant quantities either in the United States or in the country that would be exporting the commodity to the United States; generally, less statistical data is collected—and therefore available—for commodities produced in small quantities when compared to a country's more heavily produced commodities. Second, some of these commodities do not appear to be produced in the United States at all; therefore, data on the U.S. production and export levels for those commodities does not exist. Finally, estimates of potential exports of commodities from foreign countries to the United States are often difficult to obtain, due in part to the uncertainty surrounding the cost and availability of transportation and the demand for the commodity in the United States.

Watermelon From Brazil

Complete information is not available on U.S. watermelon production. However, data shows that, in 1996, a total of 459,180 metric tons of watermelon, of which 22 percent was imported, was shipped to 18 major U.S. cities.

The United States is a net importer of watermelons. In 1996, imports totaled 207,000 metric tons, valued at $49.9 million, compared to 116,000 metric tons exported, worth $30.4 million.

Data on the number or size of watermelon producers in the United States is not available. However, since most U.S. vegetable and melon farms are small by Small Business Administration (SBA) standards, it is very likely that the U.S. farms that produce watermelons are also small.

If the proposed rule is adopted, watermelons would be allowed to be exported to the United States from that part of Brazil considered free of the South American cucurbit fly. Information on the quantity of watermelons produced in that area of Brazil and on the quantity of watermelons expected to be imported from Brazil is not available, but we do not expect that amount to be large enough to adversely affect U.S. growers.

Brassica spp. from Ecuador, El Salvador, Nicaragua, and Peru

Brassica spp. include a variety of crops, some of which are more familiar (such as broccoli, cauliflower, and cabbage) than others (such as pak choi, tatsoi, celery mustard, and celery cabbage).

For the two major *Brassica* sub-varieties, broccoli and cauliflower, U.S. commercial production in 1996 was valued at about $397 million (649,600 metric tons) and $217 million (297,560 metric tons), respectively. Although U.S. production data is not available for other *Brassica* species, information on quantities shipped fresh to 18 major U.S. cities illustrates their relative importance to those markets. While fresh shipments of broccoli and

cauliflower totaled 170,830 metric tons and 87,270 metric tons, respectively, fresh shipments of cabbage totaled 219,360 metric tons; Chinese cabbage, 27,490 metric tons; turnips-rutabagas, 10,800 metric tons; and Brussels sprouts, 6,080 metric tons.

In 1996, the value of U.S. exports of major *Brassica* spp. totaled about $188 million, compared to U.S. imports of $146 million. This means that the United States is a net exporter of these vegetables.

Information on U.S. production of less popular *Brassica* varieties and sub-varieties, such as *Brassica rapa, Brassica chinensis,* and *Brassica pekinensis,* is generally very limited for a number of reasons. Data that is recorded for the production of these commodities is usually presented in an aggregated format, under ''Chinese'' or ''Oriental'' vegetables or more broadly under a ''Miscellaneous'' category. Even when data specifically addresses one or more of these commodities, the information may still provide an incomplete picture of overall production. For example, statistics obtained from county lists of pesticide permittees only include crops treated with pesticides for which permits are required.

Bearing in mind these limitations, APHIS has made inquiries at the county and producer levels in principal production areas of California and Florida regarding number of growers, acreage, and quantities and values of production. Though most domestic production probably occurs in California and Florida, some production of these commodities takes place in other States as well. For example, one large-scale producer in California regularly grows mizuna and tatsoi in California for 37 weeks and in Arizona during the remaining weeks of the year. However, most domestically grown *Brassica rapa* and *Brassica chinensis* are probably produced in California and Florida.

Twenty-five counties in California were surveyed for production of these commodities. No information was available from seven of the counties. Of the remaining 18 counties, ''Oriental'' vegetables are grown on about 12,250 acres, with total annual production valued at about $33 million. Nine of the 18 counties were found to record information on areas planted in specific sub-varieties of *Brassica rapa* and *Brassica chinensis.* Those counties reported a combined production area of about 3,500 acres for these varieties. Only four of the nine counties could provide information on the value of production for certain sub-varieties; in those counties, the sub-varieties were grown on a total of 1,012 acres and were valued at about $4.9 million.

Because most of the data on California's production of these commodities is aggregated, there is little that can be stated with confidence about the individual quantities grown. However, it would appear that the value of California's annual production of *Brassica rapa* and *Brassica chinensis* probably lies well above $5 million, but below $30 million. By far, most producers are small entities by SBA standards. Even the larger operations can probably be considered small entities (with annual sales below $0.5 million).

In Florida, most production of *Brassica rapa* and *Brassica chinensis* takes place in Palm Beach County, by both small- and large-scale producers. It is possible that a couple of the larger ones may have annual sales exceeding $0.5 million. In 1995–96, over 1,260 acres were planted with these commodities in Palm Beach County, with production valued at almost $2.3 million. Assuming this amount represents about 80 percent of the State's total, Florida's overall production may be worth more than $2.8 million.

To these estimates for California and Florida should be added production taking place in other States where conducive growing conditions are found. When all growers are considered, U.S. producers of *Brassica rapa* and *Brassica chinensis* may number in the hundreds, with most of the operations very small-scale. The value of U.S. production is probably in the tens of millions of dollars.

Although statistics are not available on U.S. production of Chinese cabbage (*Brassica pekinensis*), fresh shipments to 18 major U.S. cities in 1996 totaled about 27,490 metric tons, of which less than 2 percent was imported (about 320 metric tons from Mexico and 180 metric tons from Canada). California was the origin of nearly 95 percent of fresh shipments of domestically grown Chinese cabbage. Between 1994 and 1996, shipments to the 18 major U.S. cities grew by more than 20 percent.

Of the surveyed counties in California, only four offered specific information on the number of acres planted with Chinese cabbage and the value of production. They reported Chinese cabbage grown on 845 acres and worth $5.5 million.

The most recent data on Ecuador's production of principal *Brassica* vegetables indicate relative small quantities compared to those of the United States. In 1996, Ecuador produced 11,132 metric tons of cabbage, 4,000 metric tons of broccoli, and 1,421 metric tons of cauliflower. However, it has not been possible to gather information on the quantity of *Brassica* spp. expected to be imported from Ecuador, but the amounts are unlikely to be large enough to affect U.S. entities.

Certain *Brassica oleracea* varieties, including cabbage, cauliflower, broccoli, Brussels sprouts, and kale, grown in El Salvador have been entering the United States under permit for many years. Therefore, the impact of allowing entry of all *Brassica* spp. would be based on the potential imports of the more minor species, such as *Brassica rapa* varieties. Research is being conducted in El Salvador on some of the minor *Brassica* varieties, such as Chinese cabbage, but they are not established commercial crops. Therefore, no impacts are expected in allowing the importation into the United States of *Brassica* spp. from El Salvador.

The only information available on the production of *Brassica* spp. by Nicaragua concerns broccoli and cauliflower. Nicaragua's annual levels of production of these two vegetables are reported to be 158 metric tons and 308 metric tons, respectively. These quantities represent less than 0.03 percent and 0.1 percent, respectively, of U.S. broccoli and cauliflower production. Also, in a recent year, Nicaragua exported about 162 tons of cabbage to El Salvador and Honduras. Given these relatively low levels of production and export, potential importation of *Brassica* spp. from Nicaragua is expected to have a negligible impact on U.S. entities.

Certain *Brassica oleracea* varieties, including cabbage, cauliflower, broccoli, Brussels sprouts, and kale, grown in Peru have been entering the United States under permit for many years. In 1996, Peru exported approximately 211 metric tons of cabbage and 6 metric tons of Brussels sprouts to the United States. Therefore, the impact of allowing entry of all *Brassica* spp. would be based on the potential imports of the more minor species, such as *Brassica rapa* varieties. Information is not available on the quantity of these commodities grown in or expected to be imported from Peru, but the amounts are unlikely to be large enough to adversely affect U.S. entities.

Rhubarb From Guatemala

No official data is available on U.S. rhubarb production, but in 1996, shipments of fresh rhubarb to 18 major U.S. cities totaled about 454 metric tons, with 90 percent coming from Washington and 10 percent from Oregon. In 1995, there were 3,732

metric tons of frozen rhubarb shipped commercially to the same cities from western States (California, Colorado, Idaho, Montana, Oregon, Washington, and Wyoming). In general, U.S. rhubarb imports and exports are very minor.

Although the demand for rhubarb is fairly stable, with little change among long-time commercial buyers, production in Washington is expected to expand. An additional 300 acres are being brought into production, and the growing season has been lengthened, from January-July to December-September, by using hot house and covered field production in addition to open field production.

In Guatemala, rhubarb is produced in very small quantities for domestic sales only. Commercial production could increase if importation to the United States were allowed. However, any impact on the U.S. rhubarb market would probably be negligible, given the small amount produced by Guatemala and the current absence of Guatemalan rhubarb exports.

Parsley From Israel and Nicaragua

California leads all States in parsley production. In 1996, there were 45,411 tons of parsley produced from 2,982 acres in California. That same year, fresh parsley imports (together with fresh tarragon and marjoram imports) to the United States totaled 1,509 metric tons and were valued at $3.1 million. In other words, U.S. imports represented about 3 percent or less of California's production. No U.S. exports of fresh parsley were recorded in 1996.

Israel, with a total 1997 production of about 4,500 tons of parsley, is already an important source of imported dehydrated (manufactured) parsley in the United States. It is estimated that Israel's annual fresh parsley exports to the United States could amount to about 50 tons. This quantity represents an extremely small fraction (only about 3 percent) of current fresh parsley imports by the United States, and it is a negligible amount compared to U.S. domestic production. Therefore, if parsley from Israel were allowed to be imported into the United States, no significant impacts would be expected for U.S. parsley producers or other small entities.

The quantity of parsley expected to be imported from Nicaragua is not known, but given the relatively low level of current imports of parsley from all sources, which amount to only 3 percent of California's production, no significant impacts are expected for U.S. parsley producers or other entities.

Salicornia From Mexico

Salicornia is a succulent grown primarily as an oil seed crop. Much like asparagus, the tips of the salicornia plant are consumed as food in many countries; in Europe, for example, salicornia is widely eaten. The demand for salicornia as a food item in the United States is still a niche market, although some is produced along coastlines, such as in Texas and California. Domestic production is limited to one or two months of the year.

Information is not available on the number of U.S. producers of salicornia or on the quantity produced, but it is assumed to be a very minor crop in the United States. The quantity expected to be imported from Mexico is also not known, and will depend upon market development. Since it is to be grown on irrigated land in Mexico, exports to the United States could potentially be year-round. APHIS has no information to suggest that U.S. entities may be adversely affected by salicornia imports from Mexico.

Mint From Nicaragua

An average of 151,600 acres of mint were harvested annually in the United States between 1994 and 1996, for the production of peppermint oil and spearmint oil. The average annual value of the oils produced during these years was about $150 million. Statistics are not available on the production of mint leaves for purposes other than oil production. The annual value of mint leaves imported by the United States from 1992 through 1994 averaged approximately $407,000, increasing to $422,000 in 1996 and $469,000 in 1997. Thus, the current value of mint leaf imports is not significant compared to the value of U.S. mint oil production.

The quantity of mint expected to be imported from Nicaragua is not known, but given existing levels of U.S. production, potential imports of mint from Nicaragua are not expected to have an impact on U.S. producers or other entities.

Rosemary From Nicaragua

No information is readily available on rosemary production or imports for the United States. Similarly, no estimates were possible regarding Nicaragua's production or potential exports of rosemary to the United States. However, there is no reason to believe that allowing rosemary imports from Nicaragua would have negative impacts on U.S. entities.

Belgian Endive, Chicory, and Endive From Panama

Although there is no information on U.S. production of Belgian endive, chicory, and endive, fresh endive shipments to 18 major U.S. cities in 1996 totaled about 17,550 metric tons, of which imports contributed about 1,135 metric tons (1,000 tons from Belgium, 90 tons from Canada, and 45 tons from The Netherlands). California and Florida were the sources of about 40 percent and 28 percent, respectively, of domestically grown shipments. Between 1994 and 1996, endive shipments to those 18 major U.S. cities grew by more than 77 percent. In 1996, the value of imports, $11.45 million, was three times that of exports, $3.9 million.

It has not been possible to gather information on the production levels or expected import quantities of Belgian endive, chicory, and endive from Panama. However, if the proposed rule were adopted, we do not expect the importation of these commodities from Panama to significantly impact U.S. entities.

Pineapple From South Africa

Pineapple production in the United States is concentrated in Hawaii, and, in 1996, totaled about 314,800 metric tons, of which 7,800 metric tons were exported. U.S. imports of pineapple in the same year reached 135,260 metric tons. In other words, about 30 percent of the pineapples consumed in the United States are imported.

South Africa produces about 46,000 metric tons of pineapple, of which approximately 4,000 metric tons are exported to the European Union and parts of Asia. It is estimated that South Africa could potentially export about 2,000 metric tons a year to the United States, depending on demand and available airfreight space. This amount represents less than one percent of U.S. production, and about 1½ percent of U.S. imports. Therefore, we expect that, if the proposed rule is adopted, U.S. producers and other entities would not be significantly affected by the importation of pineapple from South Africa.

Peppers From Spain

Although there is no information on U.S. production of *Capsicum* species, there were about 240,230 metric tons of fresh bell peppers and 36,150 metric tons of other fresh peppers shipped to 18 major U.S. cities in 1996. Nearly 30 percent of the bell pepper shipments were imported, as were more than one-half of other pepper shipments. In 1996, pepper imports (fresh and chilled) by

the United States totaled 277,320 metric tons and were valued at $217 million. That same year, U.S. pepper exports amounted to 60,470 metric tons, valued at $48.4 million. As such, the United States is clearly a net importer of peppers.

The size distribution of U.S. pepper producers is similar to that of most crops, with numerous small-scale operations and fewer very large operations. For example, in Florida in 1992, there were 199 sweet pepper farms with a total of 19,554 harvested acres. More than half were farms of less than 15 acres. Most pepper producers in the United States are small entities (less than $0.5 million in annual sales).

Between 1994 and 1996, fresh bell pepper shipments to the 18 major U.S. cities grew by about 3.5 percent, while shipments of other fresh peppers increased by more than 58 percent.

Peppers from Spain would be required to have been grown in insect-proof greenhouses in the Province of Almeria. Currently, about 20,000 metric tons of the 200,000 metric tons of peppers produced annually in Province of Almeria are grown in insect-proof greenhouses. It is expected that about 1,500 metric tons would be shipped yearly to the United States. Annual shipments could increase to as much as 4,000 metric tons, depending on production and market developments.

This higher estimate, 4,000 metric tons, represents only 1.4 percent of current U.S. pepper imports, and even a smaller fraction of U.S. domestic production. Pepper imports from Spain would have a negligible impact on U.S. entities. However, they may help to satisfy the rapidly increasing U.S. demand for fresh peppers.

Cantaloupe, Honeydew Melon, and Watermelon From Venezuela

The U.S. melon season runs from May to November, with most domestic shipments taking place in May, June, and July. Production statistics are available only for honeydew melon; in 1996, the commercial crop totaled 242,490 metric tons and was valued at $91.3 million. Although such information is not available for cantaloupe or watermelon, quantities shipped to 18 major U.S. cities in 1996 are as follows: Cantaloupe, 325,230 metric tons (30 percent imported); honeydew melon, 130,770 metric tons (40 percent imported); and watermelon, 459,180 metric tons (22 percent imported).

California dominates cantaloupe and honeydew melon production, while Florida, Georgia, and Texas devote the most acreage to watermelon production. Most melon and cantaloupe producers can be considered small entities, but probably a major share of production is by a relatively few large-scale operations having annual sales greater than $0.5 million.

U.S. trade in cantaloupes, honeydew melons, and watermelons demonstrates that the United States is a net importer of these commodities. In 1996, overall fresh melon imports were valued at $205 million, and exports worth $81 million.

The Paraguana Peninsula, because it is considered free of the South American cucurbit fly, is the area in Venezuela from which cantaloupe, honeydew melons, and watermelons would be allowed to be exported to the United States. When melons were last shipped from the Paraguana Peninsula to the United States in 1985, 2,000 metric tons of honeydew melon and 400 metric tons of watermelon were exported. (No cantaloupe was exported.) In 1986, shipments were discontinued because of phytosanitary restrictions.

With removal of the restrictions, projected annual exports to the United States are 6,000 metric tons of cantaloupe, 3,000 metric tons of honeydew melon, and 2,000 metric tons of watermelon. In each case, these amounts represent about 1 percent or less of U.S. domestic production. The export season for the melons would be October to April, the period of the year when domestic supply is at its lowest.

The proposed shipments from Venezuela would improve the year-round availability of melons for consumers by augmenting existing off-season imports. The relatively small amounts expected to be shipped are likely to have only a negligible impact on U.S. producers of cantaloupe, honeydew melon, and watermelon.

Addition of Fruit Fly-Free Areas in the Mexican States of Baja California Sur, Chihuahua, and Sonora

With the addition of fruit fly-free areas in the Mexican States of Baja California Sur, Chihuahua, and Sonora, the importation into the United States of four types of fruit would be affected. Those fruits are apple, orange, peach, and tangerine. We project that increases in exports to the United States of those fruits would be as follows: Apples, 4,000 metric tons; oranges, 28,144 metric tons; peaches, 2,000 metric tons; and tangerines, 280 metric tons. Import levels of apricots, grapefruits, persimmons, and pomegranates, the other fruits eligible for importation into the United States from Mexico under § 319.56–2(h), are not expected to be affected by this proposed rule.

U.S. apple production in 1996 totaled 4,732,860 metric tons and was worth $1.84 billion. Projected additional imports from Mexico of 4,000 metric tons represent less than 0.1 percent of U.S. production. Further, the United States is a net exporter of apples, exporting more than three times as many apples as it imports.

U.S. orange production in 1996 totaled 10,634,920 metric tons and was worth $1.895 billion. Projected additional imports from Mexico of 28,144 metric tons represent less than 0.3 percent of U.S. production. In 1996, the quantity of oranges exported by the United States was 22 times greater than the quantity imported.

U.S. peach production in 1996 totaled 938,940 metric tons and was worth $378 million. Projected additional imports from Mexico of 2,000 metric tons represent about 0.2 percent of U.S. production. Further, the United States is a net exporter of peaches, exporting 1.7 times as many peaches as it imports.

U.S. tangerine production in 1996 totaled 315,700 metric tons and was worth $112 million. Projected additional imports from Mexico of 280 metric tons represent less than 0.1 percent of U.S. production. Further, the United States is a net exporter of tangerines, exporting six times as many tangerines as it imports.

In the case of each of these four fruits, projected additional exports to the United States due to the newly recognized fruit fly-free areas are extremely small amounts compared to U.S. production. Also, in each case, the United States is a net exporter of the fruit, reflecting excess supply. Impacts on costs or prices for U.S. producers and consumers is expected to be negligible. APHIS does not anticipate any adverse effects on small entities or the ability of U.S. entities to compete in domestic and export markets.

The alternative to this proposed rule was to make no changes in the regulations. After consideration, we rejected this alternative because there is no biological reason to prohibit the importation into the United States of the fruits and vegetables listed in this document.

The proposed changes to the regulations would result in new information collection or recordkeeping requirements, as described below under the heading ''Paperwork Reduction Act.''

Executive Order 12988

This proposed rule would allow certain fruits and vegetables to be imported into the United States from certain parts of the world. If this

proposed rule is adopted, State and local laws and regulations regarding the importation of fruits and vegetables under this rule would be preempted while the fruits and vegetables are in foreign commerce. Fresh fruits and vegetables are generally imported for immediate distribution and sale to the consuming public, and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 97–107–1. Please send a copy of your comments to: (1) Docket No. 97–107–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OIRM, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

The paperwork associated with the importation of the fruits and vegetables named in this document would include the completion of phytosanitary certificates and fruit fly monitoring records.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. We need this outside input to help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 1.158 hours per response.

Respondents: Foreign plant health protection authorities.

Estimated annual number of respondents: 32.

Estimated annual number of responses per respondent: 32.625.

Estimated annual number of responses: 1,044.

Estimated total annual burden on respondents: 1,209 hours.

Copies of this information collection can be obtained from: Clearance Officer, OIRM, USDA, Room 404–W, 14th Street and Independence Ave., SW, Washington, DC 20250.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 319.56–2, paragraph (h) would be revised to read as follows:

§ 319.56–2 Restrictions on entry of fruits and vegetables.

* * * * *

(h) The Administrator has determined that the following municipalities in Mexico meet the criteria of § 319.56–2(e) and (f) with regard to the plant pests *Ceratitis capitata, Anastrepha ludens, A. serpentina, A. obliqua,* and *A. fraterculus:* Comondú, Loreto, and Mulegé in the State of Baja California Sur; Bachiniva, Casas Grandes, Cuahutemoc, Guerrero, Namiquipa, and Nuevo Casas Grandes in the State of Chihuahua; and Altar, Atil, Bacum, Benito Juarez, Caborca, Cajeme, Carbo, Empalme, Etchojoa, Guaymas, Hermosillo, Huatabampo, Navajoa, Pitiquito, Puerto Penasco, San Luis Rio Colorado, San Miguel, and San Rio Muerto in the State of Sonora. Apples, apricots, grapefruit, oranges, peaches, persimmons, pomegranates, and tangerines may be imported from these areas without treatment for the pests named in this paragraph.

* * * * *

3. In § 319.56–2t, the table would be amended by adding, in alphabetical order, the following entries:

§ 319.56–2t Administrative instructions: conditions governing the entry of certain fruits and vegetables.

* * * * *

Country/locality	Common name	Botanical name	Plant part(s)
* * * * * * *			
Ecuador			
* * * * * * *			
	Cole and mustard crops, including cabbages, broccoli, cauliflower, turnips, mustards, and related varieties.	*Brassica* spp	Whole plant of edible varieties only.
* * * * * * *			
El Salvador			

Country/locality	Common name	Botanical name	Plant part(s)
* * *	* * *	* * *	* * *
	Cole and mustard crops, including cabbages, broccoli, cauliflower, turnips, mustards, and related varieties.	*Brassica* spp	Whole plant of edible varieties only.
* * *	* * *	* * *	* * *
Guatemala			
* * *	* * *	* * *	* * *
	Rhubarb	*Rheum rhabarbarum*	Above ground parts.
* * *	* * *	* * *	* * *
Israel			
* * *	* * *	* * *	* * *
	Parsley	*Petroselinum crispum*	Above ground parts.
* * *	* * *	* * *	* * *
Mexico			
* * *	* * *	* * *	* * *
	Salicornia	*Salicornia* spp	Above ground parts.
* * *	* * *	* * *	* * *
Nicaragua			
* * *	* * *	* * *	* * *
	Cole and mustard crops, including cabbages, broccoli, cauliflower, turnips, mustards, and related varieties.	*Brassica spp*	Whole plant of edible varieties only.
* * *	* * *	* * *	* * *
	Mint	*Mentha* spp.	Above ground parts.
	Parsley	*Petroselinum crispum*	Above ground parts.
* * *	* * *	* * *	* * *
	Rosemary	*Rosmarinus officinalla*	Above ground parts.
* * *	* * *	* * *	* * *
Panama			
* * *	* * *	* * *	* * *
	Belgian endive	*Cichorium spp*	Above ground parts.
	Chicory	*Cichorium* spp	Above ground parts.
* * *	* * *	* * *	* * *
	Endive	*Cichorium* spp	Above ground parts.
* * *	* * *	* * *	* * *
Peru			
* * *	* * *	* * *	* * *
	Cole and mustard crops, including cabbages, broccoli, cauliflower, turnips, mustards, and related varieties.	*Brassica* spp.	Whole plant of edible varieties only.
* * *	* * *	* * *	* * *
	Swiss chard	*Beta vulgaris*	Leaf and stem.
* * *	* * *	* * *	* * *
South Africa			
* * *	* * *	* * *	* * *
	Pineapple	*Ananas* spp.	Fruit.
* * *	* * *	* * *	* * *

* * * * *

4. Section 319.56–2aa would be revised to read as follows:

§ 319.56–2aa Administrative instructions governing the entry of cantaloupe, honeydew melons, and watermelon from Brazil and Venezuela.

Cantaloupe, honeydew melons, and watermelon may be imported into the United States from Brazil and Venezuela only under permit, and only in accordance with this section and all other applicable requirements of this subpart:

(a) The cantaloupe, honeydew melons, or watermelon must have been grown in the area of Brazil or the area of Venezuela considered by the Animal and Plant Health Inspection Service to be free of the South American cucurbit fly, (*Anastrepha grandis*), in accordance with § 319.56–2(e)(4) of this subpart. In addition, all shipments of cantaloupe, honeydew melons, and watermelon must be accompanied by a phytosanitary certificate issued either by the Departmento de Defesa e Inspeção Vegetal (Brazilian Department of Plant Health and Inspection) or the Servicio Autonomo de Sanidad Agropecuaria (the plant protection service of Venezuela) that includes a declaration indicating that the cantaloupe or melons were grown in an area recognized to be free of the South American cucurbit fly.

(1) *Area considered free of the South American cucurbit fly in Brazil.* The following area in Brazil is considered free of the South American cucurbit fly: That portion of Brazil bounded on the north by the Atlantic Ocean; on the east by the River Assu (Acu) from the Atlantic Ocean to the city of Assu; on the south by Highway BR 304 from the city of Assu (Acu) to Mossoro, and by Farm Road RN–015 from Mossoro to the Ceara State line; and on the west by the Ceara State line to the Atlantic Ocean.

(2) *Area considered free of the South American cucurbit fly in Venezuela.* The following area in Venezuela is considered free of the South American cucurbit fly: The Paraguana Peninsula, located in the State of Falcon, bounded on the north and east by the Caribbean Ocean, on the south by the Gulf of Coro and an imaginary line dividing the autonomous districts of Falcon and Miranda, and on the west by the Gulf of Venezuela.

(b) *Shipping requirements.* The cantaloupe, honeydew melons, and watermelon must be packed in an enclosed container or vehicle, or must be covered by a pest-proof screen or plastic tarpaulin while in transit to the United States.

(c) *Labeling.* All shipments of cantaloupe, honeydew melons, and watermelon must be labeled in accordance with § 319.56–2(g) of this subpart.

5. A new § 319.56–2gg would be added to read as follows:

§ 319.56–2gg Administrative instructions; conditions governing the entry of peppers from Spain.

Peppers (fruit) (*Capsicum* spp.) may be imported into the United States from Spain only under permit, and only in accordance with this section and all other applicable requirements of this subpart:

(a) The peppers must be grown in the Almeria Province of Spain in pest-proof greenhouses registered with, and inspected by, the Spanish Ministry of Agriculture, Fisheries, and Food (MAFF);

(b) The peppers may be shipped only from December 1 through April 30, inclusive;

(c) Beginning October 1, and continuing through April 30, MAFF must set and maintain Mediterranean fruit fly (Medfly) traps baited with trimedlure inside the greenhouses at a rate of four traps per hectare. In all outside areas, including urban and residential areas, within 8 kilometers of the greenhouses, MAFF must set and maintain Medfly traps baited with trimedlure at a rate of four traps per square kilometer. All traps must be checked every 7 days;

(d) Capture of a single Medfly in a registered greenhouse will immediately halt exports from that greenhouse until the Deputy Administrator determines that the source of infestation has been identified, that all Medflies have been eradicated, and that measures have been taken to preclude any future infestation. Capture of a single Medfly within 2 kilometers of a registered greenhouse will necessitate increased trap density in order to determine whether there is a reproducing population in the area. Capture of two Medflies within 2 kilometers of a registered greenhouse during a 1-month period will halt exports from all registered greenhouses within 2 kilometers of the capture, until the source of infestation is determined and all Medflies are eradicated;

(e) The peppers must be safeguarded against fruit fly infestation from harvest to export. Such safeguarding includes covering newly harvested peppers with fruit fly-proof mesh screen or plastic tarpaulin while in transit to the packing house and while awaiting packing, and packing the peppers in fruit fly-proof cartons, or cartons covered with fruit-fly proof mesh or plastic tarpaulin, and placing those cartons in enclosed shipping containers for transit to the airport and subsequent shipment to the United States;

(f) The peppers must be packed for shipment within 24 hours of harvest;

(g) During shipment, the peppers may not transit other fruit fly-supporting areas unless shipping containers are sealed by MAFF with an official seal whose number is noted on the phytosanitary certificate; and

(h) A phytosanitary certificate issued by MAFF and bearing the declaration, ''These peppers were grown in registered greenhouses in Almeria Province in Spain,'' must accompany the shipment.

Done in Washington, DC, this 2nd day of June, 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–14957 Filed 6–4–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV98–920–2 PR]

Kiwifruit Grown in California; Temporary Suspension of an Inspection Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on the temporary suspension of an inspection requirement for kiwifruit covered under the California kiwifruit marketing order. The marketing order regulates the handling of kiwifruit grown in California, and is administered locally by the Kiwifruit Administrative Committee (Committee). Currently, certification of any kiwifruit which is inspected and certified as meeting grade, size, quality, or maturity requirements in effect under the marketing order is valid until December 31 of the current fiscal year or 21 days from the date of inspection, whichever is later. Any kiwifruit not shipped before the end of this certification period must be reinspected and recertified before shipping. This rule would temporarily suspend this provision for the 1998–99 fiscal year and would enable handlers to ship kiwifruit without the necessity for reinspection and recertification and the costs associated with such requirements. This temporary